

NORTH CAROLINA,
ATTORNEY-GENERAL'S DEPARTMENT,
RALEIGH, February 27, 1885.

To the President of the Senate :

SIR: I have the honor to acknowledge the receipt of a copy of a resolution adopted by the Senate of North Carolina on the — day of February, 1885, requesting me “to furnish the Senate with an opinion as to the legal status of that portion of what was once known as the Wilmington, Charlotte and Rutherford Railroad that extends from the town of Shelby to the town of Rutherfordton; whether this part of said road belongs to the Carolina Central Railroad Company, or to any other chartered corporation; and whether the county of Rutherford, having subscribed and paid the sum of one hundred and forty thousand dollars under the original charter (as amended) from the State, which has been subsequently abrogated and changed, has now any equitable rights which can be enforced against the State or any corporation?”

The Wilmington, Charlotte and Rutherford Railroad Company was incorporated and organized by virtue and in pursuance of chapters 225 and 226 of Laws of North Carolina, enacted by the General Assembly at the session of 1854-'55.

By the acts of incorporation, it was authorized to construct, equip and operate a railroad extending from the city of Wilmington westward to the town of Rutherfordton, and had conferred upon it the powers usually granted to such organizations to condemn lands for rights of way, to receive subscriptions from individuals and municipal corporations; and power was likewise granted to the counties along the proposed line to subscribe for its stock and pay therefor in bonds. Further powers and privileges were granted by chapter 67, Laws of 1856-'57, not material to the inquiry embraced in the resolution.

By the provisions of chapter 108 of the Laws of 1866-'67, the company was authorized to “extend its line to such point on the Tennessee line as its president and directors may determine.”